

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HOWARD LEVEY, JOHN and SUSAN
L. WALTER, h/w, and ALLSTATE
INSURANCE COMPANY,
Plaintiffs,

THIRD PARTY SUMMONS IN A CIVIL
ACTION

v.
DELAWARE BAY LAUNCH
SERVICE, INC.,
Defendant.

C.A. No. 06-510 JJF

and
BOAT AMERICA CORPORATION
Defendant/Third-Party
Plaintiff

v.
DELMARVA TOWING & SALVAGE
a/k/a SOUTHERN DELAWARE
TOWING AND SALVAGE,
Third-Party Defendant.

YOU ARE HEREBY SUMMONED and required to serve on:

Charles M. Oberly, III
Oberly, Jennings & Rhodunda
1220 Market Street, Ste. 710
P.O. Box 2054
Wilmington, DE 19899-2054
Attorney for Plaintiffs

Michael B. McCauley, Esq.
Palmer Biezup & Henderson, LLP
1223 Foulk Road
Wilmington, DE 19803
Attorney for Defendant Delaware Bay Launch
Service, Inc.

Stephen K. Carr
6057 Schlentz Hill Road
Pipersville, PA 18947

William J. Cattie, III, Esq.
Rawle & Henderson, LLP
300 Delaware Avenue, Ste. 1015
P.O. Box 588
Wilmington, DE 19899
Attorney for Boat America Corporation

an answer to the Third-Party Complaint which is served on you with this summons, within twenty (20) days after the service of this summons on you, exclusive of the day of service. If you fail to do so, Judgment by default may be taken against you for the relief demanded in the Third-Party Complaint. There is also served on you with this summons a copy of the Complaint of the Plaintiff. You have the option of answering or not answering the Plaintiffs' Complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the Third-Party Plaintiff is demanding Judgment against you in favor of the original Plaintiff under the

circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of Plaintiff as well as to the claim of the Third-Party Plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

CLERK

(By) DEPUTY CLERK

DATE

3/15/07

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>03/21/07</u>
NAME OF SERVER <u>Mark C. Trimble</u>	TITLE <u>Process Server</u>

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the third-party defendant. Place where served: _____
- ☒ Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: Dean Wilkerson
employee of
Delmarva Towing
- ☐ Returned unexecuted: _____
- ☐ Other (specify): _____


STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 03/20/07 Date

 Signature of Server

PO Box 5816
Wilmington, DE 1980 Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.